

ENTERED

March 29, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

KARINA BERRONES, INDIVIDUALLY,
AND A/N/F/ OF IXX RXXXX MXXXXXX
AND IXXXX JXXXX GXXXX

VS.

MARTIN BROTHERS TRANSPORTATION,
LLC D/B/A APA, LLC
AND RICHARD BAKER

CIVIL ACTION NUMBER

M-18-00051

FINAL JUDGMENT

On this day, came on to be heard the above entitled and numbered cause, Plaintiffs KARINA BERRONES, Individually, and as Next Friend of Minors IRM and IJG, appeared by and through their counsel of record, Mario Davila, and by next friend, Mauro F. Ruiz, previously appointed by the Court as Guardian *ad Litem* for said Minors. Defendants MARTIN BROTHERS TRANSPORTATION, LLC d/b/a APA, LLC and DAVID RICHARD BAKER, appeared by and through their counsel of record.

The Court was informed that this matter had been compromised and settled by agreement, which is in full and final satisfaction of Plaintiffs' causes of action, and of any and all future claims, demands and expenses whatsoever that might accrue to Plaintiffs, or to others by virtue of the injuries and damages to Plaintiffs, occurring on February 5, 2016 in the subject accident, as set forth in Plaintiffs' Original Petition.

Minor Plaintiff IRM will receive FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00) in settlement of this matter. The checks for IRM's \$4,000 settlement sum will be issued as follows:

ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00) shall be payable to the Law Offices of Mario Davila, P.L.L.C. IOLTA on behalf of and for the benefit of Minor IRM, as payment for attorneys' fees and expenses.

SEVEN HUNDRED AND FIFTY DOLLARS AND NO CENTS (\$750.00) shall be payable to EQUIAN, LLC in satisfaction of a medical lien for Hidalgo Emergency Med Assoc PA.

THREE HUNDRED AND EIGHTY-THREE DOLLARS AND EIGHTY-THREE CENTS (\$383.83) shall be payable to EQUIAN, LLC in satisfaction of a medical lien for MolinaTX, file #744082-121716.

ONE THOUSAND EIGHT HUNDRED SIXTY-SIX DOLLARS AND 17/100 (\$1,866.17) shall be payable to the UNITED STATES DISTRICT CLERK FOR THE SOUTHERN DISTRICT OF TEXAS for the use and benefit of IRM.

Minor Plaintiff IJG will receive EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00) in settlement of this matter. The checks for IJG's \$8,000 settlement sum will be issued as follows:

ONE THOUSAND EIGHT HUNDRED SEVENTY-THREE DOLLARS AND EIGHTY-FIVE CENTS (\$1,873.85) shall be payable to the Law Offices of Mario Davila, P.L.L.C. IOLTA on behalf of and for the benefit of Minor IJG, as payment for attorneys' fees and expenses.

TWO THOUSAND SIX HUNDRED FIFTEEN DOLLARS AND NO CENTS (\$2,615.00) shall be payable to the Law Offices of Mario Davila, P.L.L.C. IOLTA in payment of medical expenses for Minor IJG.

THREE THOUSAND FIVE HUNDRED ELEVEN DOLLARS AND FIFTEEN CENTS (\$3,511.15) shall be payable to the UNITED STATES DISTRICT CLERK FOR THE SOUTHERN DISTRICT OF TEXAS for the use and benefit of IJG.

Plaintiff, KARINA BERRONES, Individually, has reached a full and final settlement of her own claims for an undisclosed sum.

All sums set forth above constitute damages, other than punitive damages, on account of personal physical injuries or physical sickness, within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended.

A Jury having been waived, the Court read the pleadings, heard the evidence and remarks of counsel and of the parties hereto, inquired into the facts and circumstances concerning the settlement and incident in question and concerning the damages to Plaintiffs, and other evidence deemed by the Court necessary to make a determination of the fairness of the settlement, and found that the settlement is fair and just and should be approved and that such agreement is in the best interest of said Minor Plaintiffs and should be in all things approved and be apportioned as set forth above. Thereupon, the Court approved and ratified the compromise and settlement agreements between Plaintiffs and Defendants.

The Court further finds the Next Friend to be fit and proper to act in such capacity for Minor Plaintiffs. IT IS FURTHER ORDERED that Mauro F. Ruiz, Guardian *Ad Litem* for the minors, be allowed a fee of \$2,312.55.

IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED that the settlement sum shall be paid by or on behalf of Defendants to the Plaintiffs as follows:

ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00) shall be payable to the Law Offices of Mario Davila, P.L.L.C. IOLTA on behalf of and for the benefit of Minor IRM, as payment for attorneys' fees and expenses.

SEVEN HUNDRED AND FIFTY DOLLARS AND NO CENTS (\$750.00) shall be payable to EQUIAN, LLC in satisfaction of a medical lien for Hidalgo Emergency Med Assoc PA.

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TWO THOUSAND SIX HUNDRED FIFTEEN DOLLARS AND NO CENTS (\$2,615.00) shall be payable to the Law Offices of Mario Davila, P.L.L.C. IOLTA in payment of medical expenses for Minor IJG.

THREE THOUSAND FIVE HUNDRED ELEVEN DOLLARS AND FIFTEEN CENTS (\$3,511.15) shall be payable to the UNITED STATES DISTRICT CLERK FOR THE SOUTHERN DISTRICT OF TEXAS for the use and benefit of IJG.

All of the above amounts designated to be paid to the United States District Clerk for the Southern District of Texas for Minors IRM and IJG.

Further, with regard to the amounts paid for the benefit of the minors into the Registry of the Court, the United States District Clerk for the Southern District of Texas is ORDERED to deposit said funds in a separate account for each Minor, to bear the highest available rate of interest on the date of deposit. The funds deposited in the name of each Minor shall remain on deposit until further order of the Court.

IT IS FURTHER ORDERED that Defendants be discharged from all liability to Plaintiffs by reason of the incident described in the pleadings filed herein, and that no execution shall issue on this Judgment but the same shall be entered as having been fully satisfied, except for costs herein, including the Guardian *Ad Litem* fee, which are taxed against Defendants.

Said Settlement Agreement is a Full and Final Settlement and Compromise of all matters between the parties. Further, Plaintiff Karina Berrones has settled any and all of her individual claims for an undisclosed sum.

It appearing to the Court that Defendant has paid the consideration due and owing on the date of this Final Judgment, it is hereby ORDERED, ADJUDGED and DECREED that said Judgment is fully and finally and all things APPROVED and that same be entered as having been fully satisfied, and no execution shall issue on this Judgment.

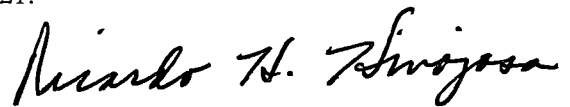
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that no pre-judgment or post-judgment interest will accrue on the amounts paid by Defendants to

Plaintiffs as reflected above.

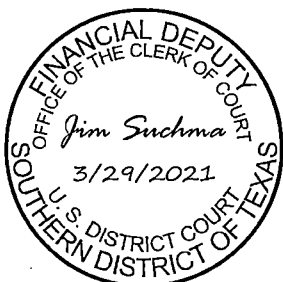
By their signatures on this Judgment, all parties to this cause of action hereby waive all of their rights to appeal this Judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that any and all relief not specifically granted herein is hereby denied.

SIGNED and ~~ENTERED~~ this 29th day of March 2021.



RICARDO H. HINOJOSA
UNITED STATES DISTRICT JUDGE



APPROVED AS TO FORM AND CONTENT:

LAW OFFICES OF MARIO DAVILA, PLLC
P.O. Box 3726
McAllen, Texas 78502
Telephone: (956) 682-3535
Facsimile: (956) 682-3550

"/S/ Martin Perez"

MARTIN L. PEREZ, Attorney in Charge
Texas State Bar No. 24041675
Federal Bar No. 876494
Email: mlperezattorney@gmail.com
MARIO DAVILA
Texas State Bar No.: 24045750
Eservice: MDLawLitigation@gmail.com

ATTORNEYS FOR PLAINTIFFS

GOLDMAN & PETERSON, PLLC
10100 Reunion Place, Suite 800
San Antonio, Texas 78216
Telephone: (210) 340-9800
Facsimile: (210) 340-9888
*Email: mail@ljglaw.com
*service by email to this address

By: /s/ Larry J. Goldman
LARRY J. GOLDMAN
"Attorney in Charge"
Federal ID No. 341
State Bar No. 08093450
Larry@ljglaw.com
PAIGE A. THOMAS
Federal ID No. 2679062
State Bar No. 24082568
Paige@ljglaw.com

ATTORNEYS FOR DEFENDANTS

RUIZ LAW FIRM, P.L.L.C.
118 West Pecan Blvd.
McAllen, Texas 78501
Telephone: (956) 259-8200
Facsimile: (956) 259-8203

By: /s/ Mauro F. Ruiz (wl permission)
MAURO F. RUIZ
State Bar No. 24007960
mruiz@mruizlaw.com

GUARDIAN AD LITEM FOR MINORS
IRM and IJG